

APPENDIX-12

<u>IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, SONITPUR</u> <u>TEZPUR</u>	
Present:- Sri Nabajit Bhatta. AJS. MA, LL.B. Chief Judicial Magistrate, Sonitpur, Tezpur	
[Date of the Judgment] 17.11.2022	
[PR Case No-330 of 2021]	
(FIR NO-113/2020 DATED-18.11.2020/VOLUNTARILY CAUSING HURT/CRIMINAL INTIMIDATION CASE AND THELAMARA POLICE STATION)	
COMPLAINANT :	STATE OF ASSAM OR Sri Mithun Dey, S/O:- Sri Jiten Dey, R/O:- Katonigaon, P/S:- Thelamara, Dist:- Sonitpur, Assam
REPRESENTED BY	Mrs. Karabi Das, Ld. Asst. P.P
ACCUSED PERSONS	1. Smt. Mira Das, W/O:- Sri Binod Kalita, R/O:- Arasuti, P/S:- Thelamara, Dist:- Sonitpur, Assam 2. Sri Binod Das S/O:- Late Chandra Kt. Das R/O:- Arasuti, P/S:- Thelamara, Dist:- Sonitpur, Assam
REPRESENTED BY	Mr. Tapan Ghosh, Ld. Counsel

APPENDIX-13

Date of Offence	17.11.2020 & 18.11.2020
Date of FIR	18.11.2020
Date of Charge Sheet	31.12.2020
Date of Offence Explanation	27.09.2022
Date of commencement of evidence	17.11.2022
Date on which judgment is reserved	17.11.2022
Date of Judgment	17.11.2022
Date of the Sentencing Order, if any	NIL

ACCUSED DETAILS :

Rank of the Accused	Name of the accused	Date of Arrest	Date of Release on Bail	Offences charged with	Whether acquitted or convicted	Sentenced Imposed	Period of Detention undergone during Trial for purpose of Sec. 428 Cr.P.C.
A-1	Smt. Mira Das	NIL	NIL	Sec-323/506/34 of IPC	Acquitted	NIL	NIL
A-2	Sri Binod Das	NIL	NIL	Sec-323/506/34 of IPC	Acquitted	NIL	NIL

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, SONITPUR::
TEZPUR

P. R. Case No-330 of 2021

State of Assam

-Vs-

1. Smt. Mira Das
2. Sri Binod Das

.....Accused Persons

Under section-323/506/34 of I.P.C

Present:

Sri Nabajit Bhatta AJS. MA, LL.B.
Chief Judicial Magistrate, Sonitpur at Tezpur

17th day of November, 2022

Mrs. K. Das, Asst. P.P Advocate for the State
Mr. T. Ghosh, Ld. Counsel Advocate for the Accused

Date of Hearing : 17.11.2022
Date of Argument : 17.11.2022
Date of Judgment : 17.11.2022

J U D G M E N T

1. Prosecution story in brief is as follows that informant, namely, Sri Mithun Dey lodged an FIR before the O/C of Thelamara Police Station to the effect that on 17.11.2020 at about 2 PM the accused persons, namely, Smt. Mira Das and Sri Binod Das provided illegal sands mixed with land and on 18.11.2020 at about 11:30 AM, the workers of the bridge construction raised objection against the illegal materials then both the accused persons had assaulted one worker namely, Sri Dimbeswar Bodo by way of giving fist blows and also used obscene words towards him. Hence, the prosecution case.

2. The instant case was registered under section-323/294/506/34 of I.P.C. and police investigated the same. After completion of the investigation police submitted charge-sheet against the accused persons, namely, Smt. Mira Das and Sri Binod Das under section-323/294/506/34 of I.P.C.
3. That my Ld. Predecessor in office took cognizance of the offence against the accused persons. On appearance of the accused persons copies of relevant documents were furnished to accused persons and particulars of offences under section-323/506/34 of I.P.C. were read over and explained to the accused persons to which they pleaded not guilty and claimed to be tried.
4. Prosecution in order to prove the case has examined the informant in support of this case. Defence plea was total denial. Defence has adduced no evidence. Statements of the accused persons have been recorded U/S-313 of Cr. P.C.
5. **POINTS FOR DETERMINATION:-**
 - (i.) Whether the accused persons on 18.11.2020 at about 11:30 AM at Thelamara Centre near Lakhi Mandir under Thelamara PS in furtherance of their common intention have caused hurt to one Sri Dimbeswar Bodo by way of giving him fist blows and thereby committed an offence punishable u/s-323/34 of Indian Penal Code?
 - (ii.) Whether the accused person on the same date, time and place in furtherance of their common intention criminal intimidation by threatening said Sri Dimbeswar Bodo with injury to his person and thereby committed an offence punishable u/s-506/34 of the Indian Penal Code?

6. Heard argument from the Ld. Advocate of the accused persons. On perusal of the evidence on record and case diary the very findings are as follows.

DISCUSSION, DECISION AND REASONS THEREOF

7. The prosecution opening the account of examining the witnesses first brought the informant, namely, Sri Mithun Dey as PW-1. The PW-1 has stated in his evidence-in-chief that he knows the accused persons of this case. He also stated that accused Mira Das is the President of Thelamara GP and remaining accused is her husband. He further stated that the incident took place in the year 2020 and on the day of the incident, an altercation took place between him and the accused persons over some construction work of their Panchayat area. After that he lodged the ejahar against the accused persons. He identified his ejahar as P. Ext-1 wherein he put his signature as P. Ext-1(1). He stated that thereafter, they amicably settled the case outside the court and he does not want to proceed further against the accused persons. In cross-examination, PW-1 has stated that he has no objection if the accused persons are released by the court.
8. I have minutely perused the evidences on record including the cross-examination of the witness. From the above discussions, no sufficient incriminatory materials have been found against the accused persons. Thus, keeping view of what has been discussed above this court has no least hesitation that the prosecution has failed miserably to establish the guilt of the accused persons U/S: 323/506/34 of I.P.C. Hence, the accused persons, namely, Smt. Mira Das and Sri Binod Das are not found guilty.

ORDER

Accused persons, namely, Smt. Mira Das and Sri Binod Das are acquitted from the Charges under section-323/506/34 of I.P.C. and set at liberty forthwith.

Bail-bonds of the accused persons are extended for six months in view of section-437A of Cr PC.

Judgment is prepared and pronounced in open court. Given under my hand & seal of this court on this 17th day of November, 2022 at Tezpur.

(Sri Nabajit Bhatta)
Chief Judicial Magistrate,
Sonitpur: Tezpur

Dictated and Corrected by me

Chief Judicial Magistrate,
Sonitpur: Tezpur

APPENDIX -14
LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW-1	Sri Mithun Dey	INFORMANT

B. Defence Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
NIL	NIL	NIL

C. Court Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
NIL	NIL	NIL

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS**A. Prosecution:**

Sr. No.	Exhibit Number	Description
1	Ext-1/PW-1	Ejahaar
2	Ext-1(1)	Signature of PW-1

B. Defence:

Sr. No.	Exhibit Number	Description
NIL	NIL	NIL

C. Court Exhibits:

Sr. No.	Exhibit Number	Description
NIL	NIL	NIL

D. Material Objects:

Sr. No.	Exhibit Number	Description
NIL	NIL	NIL

Chief Judicial Magistrate,
Sonitpur: Tezpur